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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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MARK EDWARD TOWNER,

Plaintiff,

v.

USAA FEDERAL SAVINGS BANK,  
*doing business as* USAA FINANCIAL  
SERVICES,

Defendant.

MEMORANDUM DECISION

Case No. 2:14-cv-00148-DN-DBP

District Judge David Nuffer

Magistrate Judge Dustin B. Pead

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This matter was referred to the Court under 28 U.S.C. § 636(b)(1)(B). (Docket Nos. 4; 16.) On February 28, 2014, pro se Plaintiff filed a complaint against Defendant. (Dkt. No. 1.) On April 1, 2014, Defendant answered the complaint. (Dkt. No. 7.)

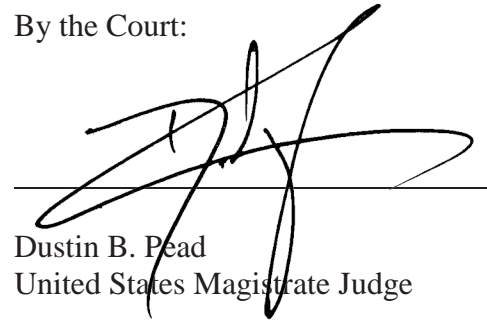
On May 29, 2014, Defendant filed the present motion to amend its answer. (Dkt. No. 16.) Defendant moves to amend its answer to assert a counterclaim against Plaintiff. (*Id.*) Plaintiff has not responded to Defendant's motion, and the time to respond has expired. DUCivR 7-1(b)(3)(B) (requiring parties to file opposition memorandums to such motions "within fourteen (14) days after service of the motion . . .").

Given Plaintiff's failure to respond to Defendant's motion, this Court **GRANTS** Defendant's motion to amend its answer. (Dkt. No. 16.) *See* DUCivR 7-1(d) ("Failure to respond timely to a

motion may result in the court's granting the motion without further notice."). Defendant must file its amended answer by **July 8, 2014**.

Dated this 23<sup>rd</sup> day of June, 2014.

By the Court:

A handwritten signature in black ink, appearing to read 'Dustin B. Pead', is written over a horizontal line. The signature is stylized with large, sweeping loops.

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Dustin B. Pead  
United States Magistrate Judge